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From: David Levine

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1814

November 2, 2007

## PRIVILEGED AND CONFIDENTIAL

Mail Stop 16  
 Director of the USPTO  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## Re: Refund of Patent Fee Overpayment

Dear Sir or Madam,

It has come to our attention that Levine Bagade Han LLP is due credit in the amount of \$65.00. Below is an explanation of the credit.

U.S. Application No. 10/810,276  
 Our Docket No. ASTXNA00101  
 Fee paid via American Express: \$130  
 Date Charged: October 31, 2007  
 Amount due to be credited: \$65

It is believed the error in fee amount is due to an over payment for a statutory disclaimer (terminal disclaimer) fee code 2814 for a small entity pursuant to §37 CFR 1.20(d) via EFS-Web on October 31, 2007. The FY 2008 Fee Schedule effective September 30, 2007 clearly indicates the following fees for a statutory disclaimer:

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
<b>PostIssue Fees</b>				
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00

EFS-Web would not allow payment of a small entity fee for statutory disclaimer.

Accordingly, please credit the overpayment of \$65.00 to American Express credit card number 3715 370443 81012, as this was the original method of payment.

## LEVINE BAGADE HAN LLP

November 2, 2007

Page 2 of 2

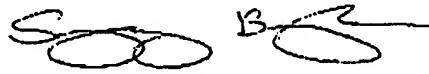
Application No.: 10/810,276

Support for this credit can be found in the attached documents, which include:

1. Electronic Acknowledgement Receipt for 10/810,276 indicating the statutory disclaimer fee (\$130) was submitted upon filing via EFS
2. Electronic Patent Application Fee Transmittal for 10/810,276 indicating the fee code 1814 in the amount of \$130 was paid upon filing even though a small entity was designated.

I thank you in advance for your attention in this matter. Please feel free to contact me with any questions or comments regarding this refund request.

Sincerely,



Sanjuy S. Bagade  
Registration No. 42,280

Enclosures

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10810276			
<b>Filing Date:</b>	26-Mar-2004			
<b>Title of Invention:</b>	Method of treating airways in the lung			
<b>First Named Inventor/Applicant Name:</b>	Michael D. Laufer			
<b>Filer:</b>	Sanjay S. Bagade/Quyen Nguyen			
<b>Attorney Docket Number:</b>	ASTXNA00101			
Filed as Small Entity				
<b>Utility Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>	Adjustment date: 12/05/2007 MGEBREM1 11/01/2007 INTEFSW 00006168 10810276 01 FC:1814 -130.00 OP			
<b>Patent-Appeals-and-Interference:</b>	12/05/2007 MGEBREM1 00000005 10810276 01 FC:2014 65.00 OP			
<b>Post-Allowance-and-Post-Issuance:</b>				
Statutory disclaimer	1814	1	130	130
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Request for continued examination	2801	1	405	405
<b>Total in USD (\$)</b>				<b>535</b>

**Application Number Information**Application Number: **10/810276****Assignments**Filing or 371(c) Date: **03/26/2004 eDan**Effective Date: **03/26/2004**Application Received: **03/29/2004**Pat. Num./Pub. Num: **/20050010270**Issue Date: **00/00/0000**Date of Abandonment: **00/00/0000**Attorney Docket Number: **ASTXNA00101**Status: **41 /NON FINAL ACTION MAILED**Confirmation Number: **8525**Examiner Number: **64380 / SHAY, DAVID**Group Art Unit: **3735 IFW Madras**

Class/Subclass:

**607/088.000**

Waiting for Response

Desc.

**Req for Continue****Mail Non Final**Unmatched Petition: **NO****L&R Code: Secrecy Code:1**Third Level Review: **NO**Secrecy Order: **NO**Status Date: **08/22/2007**Oral Hearing: **NO**Title of Invention: **METHOD OF TREATING AIRWAYS IN THE LUNG**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
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**Appln Info****Contents****Petition Info****Atty/Agent Info****Continuity/Reexam****Foreign Data****Search Another: Application #****or Patent#****Search****Search****PCT / \_\_\_\_\_ / \_\_\_\_\_****Search****or PG PUBS #****Search****Attorney Docket #****Search****Bar Code #****Search**

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 <a href="http://www.LBHIP.com">www.LBHIP.com</a>	LEVINE BAGADE HAN LLP	2483 East Bayshore Road Suite 100 Palo Alto, CA 94303 Tel: 650.242.4212 Fax: 650.284.2180 Customer No. 40518
<b>FAX</b>		
To:	Commissioner for Patents	From: Sanjay S. Bagade Reg. No. 42,280
Fax:	(571) 273-8300	Pages: 4 (including cover page)
Phone:		Date: November 2, 2007
<b>Comments: REFUND OF PATENT FEE OVERPAYMENT</b>		
<b>Application No.: 10/810,276</b>		
<b>Confirmation No.: 8525</b>		
<b>Filing Date: March 26, 2004</b>		
<b>Title: METHODS FOR TREATING AIRWAYS IN THE LUNG</b>		
<b>Inventor(s): Michael D. LAUFER</b>		
<b>Examiner: David M. Shay</b>		
<b>Group Art Unit: 3735</b>		
<b>Attorney Docket No.: ASTXNA00101</b>		
<b>Papers attached:</b>		
<ol style="list-style-type: none"><li>1. Transmittal Sheet – 1 page</li><li>2. Letter re Request for Refund of Patent Fee Overpayment – 2 pages</li></ol>		

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From: David Levine

NOV 02 2007

PTO/SB/21 (10-07)

Approved for use through 10/31/2007 GMA 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 3

Application Number	10/810,276
Filing Date	March 26, 2004
First Named Inventor	Michael D. LAUFER
Art Unit	3735
Examiner Name	David M. Shay
Attorney Docket Number	ABTXNA00101

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
Remarks			

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Levine Bagade Han LLP		
Signature			
Printed name	Sanjay S. Bagade		
Date	November 2, 2007	Reg. No.	42,280

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Ouyen Nguyen	Date	November 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.